

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

MELISSA BUISSON,)
 Plaintiff,)
 v.)
UBER TECHNOLOGIES,)
INC. and UBER USA, LLC)
 Defendants.)

1:21-cv-02534

STIPULATION TO ARBITRATE AND DISMISS ACTION

The Plaintiff, Melissa Buisson, and Defendants Uber Technologies, Inc. and Uber USA, LLC (“Uber Defendants”) (together, the “Parties”) by and through their respective counsel of record hereby stipulate and agree that for the following reasons, pursuant to Federal Rules of Civil Procedure 12(b)(1) and Section 3 of the Federal Arbitration Act, 9 U.S.C. § 2 et seq., the claims asserted by Plaintiff against the Uber Defendants are subject to arbitration and this case should be dismissed:

1. Plaintiff and Uber Defendants stipulate and agree that Plaintiff’s claims against Uber Defendants are subject to an Agreement to Binding Arbitration between Plaintiff Melissa Buisson and Uber USA, LLC and Uber Technologies, Inc. dated December 13, 2017 (“Arbitration Agreement”) in the Terms of Use to which the Plaintiff entered when registering for an Uber account with the Uber App and that the parties are bound thereby;
2. Plaintiff stipulates to waive any appeal or objections regarding the enforceability of the aforesaid Arbitration Agreement;
3. Plaintiff and the Uber Defendants have agreed that the matter should proceed before the American Arbitration Association, subject to the provisions of the Federal Arbitration Act and applicable law; and

4. In consideration of the above-agreement to arbitrate this dispute, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued with prejudice against the Uber Defendants to allow the parties to resolve their dispute in the arbitration forum.

WHEREFORE, the parties respectfully request the Court dismiss this case in view of the agreement of the parties to arbitrate the Plaintiff's claims.

Dated: New York, New York
August 30, 2021

Respectfully submitted,

DEFENDANTS,
UBER TECHNOLOGIES, INC., UBER
USA, LLC
By their attorneys,

/s/ Andrew R. Ferguson
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PLAINTIFF,
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